

1 BROWNE GEORGE ROSS LLP  
2 Pete Wilson (State Bar No. 35742)  
3 pwilson@bgrfirm.com  
4 Eric M. George (State Bar No. 166403)  
5 egeorge@bgrfirm.com  
6 2121 Avenue of the Stars, Suite 2800  
7 Los Angeles, California 90067  
8 Telephone: (310) 274-7100  
9 Facsimile: (310) 275-5697

10 BROWNE GEORGE ROSS LLP  
11 Peter Obstler (State Bar No. 171623)  
12 pobstler@bgrfirm.com  
13 David S. Wakukawa (State Bar No. 262546)  
14 dwakukawa@bgrfirm.com  
15 101 California Street, Suite 1225  
16 San Francisco, California 94111  
17 Telephone: (415) 391-7100  
18 Facsimile: (415) 391-7198

19 Attorneys for Plaintiff  
20 PRAGER UNIVERSITY

21 UNITED STATES DISTRICT COURT  
22  
23 NORTHERN DISTRICT OF CALIFORNIA  
24  
25 SAN JOSE DIVISION

26 PRAGER UNIVERSITY,  
27 Plaintiff,  
28 vs.  
29 GOOGLE LLC, a Delaware limited liability  
30 company, YOUTUBE, LLC, a Delaware  
31 limited liability company, and DOES 1-25,  
32 Defendants.

Case No. 5:17-cv-06064-LHK

**NOTICE OF MOTION AND  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE BRIEF IN EXCESS OF  
PAGE LIMIT BY 5 PAGES**

Judge: Hon. Lucy H. Koh

Trial Date: None Set

1           **NOTICE OF MOTION AND ADMINISTRATIVE MOTION FOR LEAVE TO FILE**  
2           **BRIEF IN EXCESS OF PAGE LIMIT BY 5 PAGES**

3           PLEASE TAKE NOTICE that Plaintiff Prager University (“Plaintiff”) moves and  
4 respectfully requests the Court’s permission to exceed the 25-page limit for its Motion for a  
5 Preliminary Injunction (the “PI Motion”) by five (5) pages pursuant to Civil Local Rule 7-11. The  
6 relief, if granted, would permit Plaintiff to file a memorandum of points and authorities in support  
7 of its PI Motion (the “MPA”) up to, but not to exceed, 30 pages.

8           Good cause exists for the requested relief because the number and nature of the issues  
9 raised in the PI Motion and the MPA make it difficult to comply, despite significant efforts, with  
10 the 25-page limit permitted under the Court’s rules. Specifically, the issues in the PI Motion  
11 involve many issues of fact and law, including important issues involving state action and content-  
12 based restrictions on speech under the U.S. and California Constitutions, as well as the statutory  
13 and common law claims for relief.

14           Counsel for Plaintiff has conferred with counsel for Defendants Google LLC and  
15 YouTube, LLC, and counsel for Defendants has no objection to the request, provided that Plaintiff  
16 will not object to a reciprocal motion and request by Defendants to exceed page limits by and up  
17 to 5 pages, if such a motion and request becomes necessary, with respect to any opposition filed in  
18 response to Plaintiff’s PI Motion.

19           Plaintiff respectfully requests that the Court grant leave to file a memorandum of points  
20 and authorities in support of its PI Motion up to, but not to exceed, 30 pages.

21  
22 DATED: December 20, 2017

Respectfully submitted,  
BROWNE GEORGE ROSS LLP  
Eric M. George  
Peter Obstler  
David S. Wakukawa

23  
24 By: /s/ Peter Obstler  
Peter Obstler  
25  
26 Attorneys for Plaintiff PRAGER UNIVERSITY  
27  
28

1                   **DECLARATION OF PETER OBSTLER**

2                   I, Peter Obstler, declare and state as follows:

3       1. I am an attorney at law, duly admitted to practice before this Court and all courts of the  
4 State of California. I am a partner with the firm of Browne George Ross LLP, counsel of record  
5 for Plaintiff in this matter. I have firsthand, personal knowledge of the facts set forth below and if  
6 called as a witness could competently testify thereto.

7       2. In the course of drafting Plaintiff's Motion for Preliminary Injunction (the "PI Motion")  
8 and Memorandum of Points and Authorities in support thereof (the "MPA"), it became apparent  
9 that because of the number and nature of the issues raised, Plaintiff may require up to 5 pages in  
10 excess of the 25-page limit mandated under the Court's rules to adequately brief and argue those  
11 issues in its PI and opening MPA.

12      3. In drafting the PI Motion and MPA, I have made a diligent effort to meet the 25-page limit  
13 as permitted under the Court's rules. Despite making diligent efforts to comply with the 25-page  
14 limit, however, it has become apparent that an additional 5 pages may be necessary to thoroughly  
15 and adequately present Plaintiff's opening arguments to the Court. We also believe that a  
16 thorough and adequate presentation of Plaintiff's arguments will assist the Court in efficiently and  
17 fairly adjudicating this action, including important constitutional, statutory, and common law  
18 claims and defenses that will arise in the PI Motion proceedings.

19     //

20     //

21     //

22     //

23     //

24     //

25     //

26     //

27     //

28     //

1 4. On December 19 and 20, 2017, I communicated by email with Brian Willen of Wilson  
2 Sonsini Goodrich & Rosati, P.C., counsel of record in this action for Defendants Google LLC and  
3 YouTube, LLC (“Defendants”). I informed Mr. Willen of Plaintiff’s intent to file this  
4 administrative motion for an additional five pages. Mr. Willen replied that Defendants would not  
5 oppose such a motion, provided that Plaintiff would not oppose a reciprocal request to exceed the  
6 page limits by and up to an additional five pages, in the event that Defendants were to make such a  
7 request to the Court in connection with their opposition to the PI Motion. I confirmed to  
8 Defendants’ counsel that Plaintiff agreed not to oppose such a reciprocal request.

9 Executed this 20<sup>th</sup> day of December, 2017, at San Francisco, California.

10 I declare under penalty of perjury under the laws of the United States of America that the  
11 foregoing is true and correct.

12

13

*/s/ Peter Obstler*

PETER OBSTLER

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

## **PROOF OF SERVICE**

**Prager University v. Google Inc., YouTube, LLC and Does 1-25  
Case No. 5:17-cv-06064-LHK**

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 101 California Street, Suite 1225, San Francisco, CA 94111.

On December 20, 2017, I served true copies of the following document(s) described as:

**NOTICE OF MOTION AND ADMINISTRATIVE MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF PAGE LIMIT BY 5 PAGES;**

**[PROPOSED] ORDER GRANTING ADMINISTRATIVE MOTION FOR LEAVE  
TO FILE BRIEF IN EXCESS OF PAGE LIMIT**

on the interested parties in this action as follows:

United States District Court – ND Cal.  
Hon. Lucy H. Koh  
Courtroom 8, 4th Floor  
280 South First Street  
San Jose, CA 95113

*Courtesy copy by email to:  
David Kramer and Brian Willen  
Wilson Sonsini Goodrich & Rosati, P.C.  
Email: DKramer@wsgr.com  
Email: bwillen@wsgr.com*

## CHAMBERS COPIES

Counsel for Defendants Google LLC and  
YouTube, LLC

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 20, 2017, at San Francisco, California.

/s/ Michael Terry